

REMARKS/ARGUMENTS

By this Amendment, previously presented claims 17 and 31 are amended and previously presented claims 29, 30, 32 and 33 are canceled. Claim 34 is added. Claims 17-28, 31 and 34 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Amended Claim 17 introduces the limitation that said lead further comprises securing means at or towards either end thereof.

There is support for the subject matter of this amendment within the application as filed, *e.g.* Figure 1 of the published international patent application, WO 2005/067705, shows securing means (C1, C2) which are distinct from stop means (D1, D2).

The amendment to Claim 31 consists of altering the dependency of the Claim in order to reflect the cancellation of Claim 30 on which it was previously dependent.

New Claim 34 requires that said securing means are connected, attached or secured to said stop means.

There is support for the subject matter of this Claim within the application as filed, *e.g.* in the penultimate paragraph on Page 3 of WO 2005/067705.

It is submitted that neither of these amendments introduces any additional subject matter.

Novelty

Previously presented Claims 17-18 and 28-33 stood rejected under 35 USC 102(b) as being

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anticipated by GB 2385506A (Smith).

It is submitted that the subject matter of amended Claim 17 is not anticipated by the disclosure of Smith.

Amended Claim 17 requires that the securing means are distinct from said stop means.

Regarding Claim 17 as previously presented, it was the examiner's contention that the end rings (feature 7) shown in Figure 1 of Smith served as stop means at each end of the lead to which a leash is attachable and as securing means arranged to be secured or securable together or to a part of the device.

It is submitted that the amendment to Claim 17 presented herewith circumvents this objection, because there is no disclosure within Smith of an animal restraint device having securing means and stop means, wherein the stop means are distinct from the securing means.

Accordingly, it is submitted that amended Claim 17 is novel over the disclosure of Smith.

The subsequent Claims presented herewith are all dependent (either directly or indirectly) on amended Claim 17. Accordingly, it is submitted that the subject matter of these Claims must also be held to be novel over the disclosure of Smith.

Obviousness

It is to be noted that Smith discloses only end rings at the ends of lead means. These end rings are provided to secure the leash to the lead means.

It is submitted that these end rings are not disclosed as stop means in Smith. Indeed, the end rings shown in the drawings of Smith appear as though they may be able to pass through the D-

rings.

Therefore, it is questionable whether the end rings disclosed in Smith can properly be thought of as stop means.

Nevertheless, on the one hand, if the end rings are considered to be stop means, then there is no hint or suggestion anywhere in the teaching of Smith to provide distinct securing means, as required by amended Claim 17.

On the other hand, if the end rings are considered to be securing means, then there is no limit or suggestion anywhere in the teaching of Smith to provide distinct stop means, as required by amended Claim 17.

Either way, even if the end rings of Smith constitute either securing means or stop means (which is not admitted), then the end rings cannot constitute both securing means and stop means, wherein the two are distinct from one another, as required by amended Claim 17.

Further, the provision of distinct securing means as defined in new Claim 17 gives rise to certain, real technical advantages over the disclosure of Smith.

In Smith, the slip line 5 must be removed after removal of the leash so as to prevent the slip line dangling from the animal's neck and causing a trip hazard, or from being pawed off by the animal.

In contrast, the animal restraint device of new Claim 17 does not need to be taken off, because the aforementioned securing means allow the ends of the lead to be quickly, simply and securely fastened to each other, or to the collar when not attached to a leash. Thus, not only is the lead then kept from dangling from the collar, but it is also held around the animal's muzzle and so can be quickly and easily deployed when it is required to, say, walk the animal.

Accordingly, it is submitted that the subject matter of amended Claim 17 is not obvious in view of Smith in isolation.

It is submitted that the subject matter of all of the subsequent Claims, which depend from Claim 17, must also be held to be not obvious in view of the disclosure of Smith in isolation.

Nevertheless, the remaining objections under 35 USC 103(a) set out in the outstanding Office Action are now addressed.

Previously presented Claim 22 was rejected under 35 USC 103(a) as being unpatentable over Smith.

Claim 22 depends from amended Claim 17. Accordingly, it is submitted that the subject matter of Claim 22 is not obvious in view of Smith for at least the reasons set out above in respect of amended Claim 17.

Moreover, Claim 22 requires that the lead is from about 2.5 to 1.5 times longer than the collar.

While the figures of Smith show that the lead is longer than the collar, there is no specific disclosure within Smith of a device in which the lead is 1.5 to 2.5 times longer than the collar.

The choice of a length of lead of 1.5 to 2.5 times the length of the collar arises from an appreciation of the specific technical problem solved by, and attendant advantages of, the invention of the present patent application.

As discussed above in respect of Claim 17, the teaching of Smith does not give the skilled addressee any such appreciation.

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Accordingly, it is submitted that the subject matter of Claim 22 is not obvious over the disclosure of Smith.

Next, in the Office Action previously presented Claims 19-21, 23-24 and 27 were rejected under 35 USC 103(a) as being unpatentable over Smith in view of US 6,400,488 (Manzella)

Regarding this objection, the applicant submits that the person skilled in the art would not have sought to combine the teaching of those two documents.

Manzella discloses a leash which is able to stretch longitudinally. This functionality is provided in order to control a lunging animal by allowing the animal to move slowly forward a short distance and then to gently urge the animal to withdraw from its lunging position. This functionality further serves to protect the animal and/or owner of the animal from injuries caused by abrupt wrenching forces resulting from the lunging of an animal.

In contrast, the collar disclosed in Smith provides control over an animal's sudden movements such as lunging by virtue of the slip line having a portion which encompasses the muzzle in use and which serves to gently restrain the animal by pulling its muzzle down towards its chest.

It is submitted therefore that the collar of Smith and the leash of Manzella would not be used together, because the two documents provide different solutions for controlling the lunging of animals when on a leash.

The two devices work in different ways. Hence, it is submitted that Manzella would counter the effectiveness of Smith.

Further, it is noted that the collar of Smith may provide an animal owner with the required level of control when used with almost any type of leash. The leash disclosed in Manzella, however, would be particularly suitable for attachment to a standard collar.

Thus, it is submitted that the special feature, *i.e.* longitudinal stretch, of the leash of Manzella would be practically redundant if it were used with the collar of Smith.

Therefore, the applicant submits that the person skilled in the art would not look to combine the teachings of Smith and Manzella.

Notwithstanding the preceding discussion, I shall turn to consider in any case the situation that would arise were the person skilled in the art (surprisingly) to attempt to modify the teachings of Smith in view of Manzella.

Manzella discloses a leash with a circle ring 12 at the end and a metal spring clip 14 attached to that circle.

The metal spring clips 14 disclosed in Manzella are provided to allow quick connection of the leash to and from a lead or collar located around an animal's neck.

Contradistinctively, the securing means of the present invention are provided for securing the ends of the lead means together or to the collar when a leash is not attached to the lead.

Therefore, if the person skilled in the art were to combine the disclosure of Smith with the teaching of Manzella he would simply attach the leash of Manzella to the slip line of Smith.

Such a combination clearly does not offer the advantages of the present invention as discussed above and certainly does not read on to any of Claims 19-21, 23-24 and 27.

Thus, it is submitted that the subject matter of these Claims is not obvious over Smith in view of Manzella.

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Also, in the Office Action previously presented Claims 25 and 26 were rejected under 35 USC 103(a) as being unpatentable over Smith in view of US 5,497,733 (Hull).

In the first instance, it is notable that the combination collar and leash disclosed in Hull provides control of an animal by exerting pressure on the animal's esophagus or windpipe to cut off the wind supply momentarily [see *e.g.* line 21 to 23, column 2].

This is completely different from the means of control provided by the collar disclosed in Smith.

Hence, Smith and Hull provide different solutions to the problem of controlling an animal when the animal pulls on its leash.

Accordingly, it is submitted that the person skilled in the art would not have sought to modify the teaching of Smith by reference to Hull.

In any case, even if the person skilled in the art were (surprisingly) to combine the teachings of Smith and Hull as the examiner suggests, he would not come up with the invention defined in either of Claims 25 or 26.

Hull discloses a combination animal choke collar and leash. When not in use the leash can be "stored" in the closed position forming a coiled collar around the animal's neck shown in Figure 3, in which VELCRO™ fastening means located along the collar/leash act to secure it in position.

The VELCRO™ fastening means disclosed in Hull are provided to secure the leash, *i.e.* the part held by the owner and which would be attached to the end rings 7 of Smith, to the collar.

In contrast, according to the present invention, the leash is not attached to the lead means when the lead means are secured around the animal's neck so as not to present a trip or snag hazard.

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Thus, if the person skilled in the art were to seek to modify the teaching of Smith by reference to Hull, he would use a leash having VELCROTM on parts of it with the collar of Smith so as to be able to "store" the leash around the animal's neck when it is not being walked.

Hence, it is submitted that the subject matter of Claims 25 and 26 is not obvious over Smith in view of Hull.

Accordingly, it is submitted that the examiner's rejections have been overcome and that the amended Claims presented herewith define subject matter which is allowable over the cited prior art.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,
CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

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Please charge or credit our
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to effect entry and/or ensure
consideration of this submission.

By 
Frank Linguiti, Esq.
Registration No. 32,424
Customer No. 03000
(215) 567-2010
Attorneys for Applicants